S.B. Civil Writ Petition No.3383/02.

2.02.2007

Hon'ble Mr. Justice Mohammad Rafiq

Mr. Vigyan Shah for petitioner.
Mr. Vikrant Gupta on behalf of
Mr. Reashm Bhargava for respondent no.2.

Under challenge in this writ petition is the judgment passed by Rajasthan Non Government Educational Institution, Tribunal whereby it by its judgment dated 19th March, 2001 while allowing the application of the respondent no.2 has directed the petitioner institution to pay to the respondent no.2 the amount of gratuity together with fixed interest @ 9% per annum. The respondent no.2, retired from the services of the petitioners on attaining the age superannuation on 31st July, 1997.

The controversy raised in this

matter is squarely by the judgment of the Hon'ble Supreme Court Rajasthan Welfare Society V/s. State of Rajasthan (2005)5 Supreme Court Case 275 wherein their Lordships while interpreting the various provisions of Sections 16 & 43 of the Rajasthan Non Government Educational Institutions Act 1989 and Rule 82 of the Rajasthan Non Government Educational Institution (Recognition, Grant in aid and Service Condition) Rules, 1993 have held that the teachers working in the Non Government Education are entitled to gratuity. In the light of the authoritative pronouncement of the Hon'ble Supreme Court, I do not find any merit in this writ petition. The petitioners would however be free to make a representation to the State Government in view of the operation of the Hon'ble

Supreme Court in para 17 of the judgment. The writ petition is dismissed with no order as to costs.

(Mohammad Rafiq),J.

at/-